

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

CHARLES MORROW, et al,)	
Individually and on behalf of similarly)	
situated employees,)	
)	
Plaintiffs,)	CIVIL ACTION NO.:
)	3:07-CV-617-MHT
)	UNOPPOSED
v.)	
)	
FLOWERS FOODS, INC., et al,)	
)	
Defendants.)	

**PLAINTIFFS' UNOPPOSED MOTION TO EXTEND THE TIME
ALLOWED TO RESPOND TO DEFENDANT'S MOTION TO
COMPEL THE PRODUCTION OF DOCUMENTS**

COME NOW Plaintiffs, in the above-styled action, and respectfully request this Court extend the time allowed for Plaintiffs' to Respond to Defendants' Motion to Compel the Production of Documents of Plaintiff Ricky Small¹ and further show as follows:

1. The current deadline for the Plaintiffs to respond to Defendants' Motion to Compel the Production of Documents is May 20, 2008. (D.E. No. 120).

¹ As initially filed, Defendants moved the Court for an Order compelling the production of documents from Plaintiffs Ricky Small and Mark Murphy (*see* D.E. No. 111), however, Defendants have today filed a notice of withdrawal of said Motion as to Mark Murphy (*see* D.E. No. 123). Accordingly, Plaintiffs request that the Court allow an extension of time to address the Ricky Small-specific arguments raised in Defendants' Motion.

2. On May 20, 2008, Plaintiff Ricky Small, through counsel of record, served upon Defendants documents responsive to the Defendants' discovery requests, which requests are the subject of Defendants' present Motion. Attached hereto is a true and correct copy of the cover letter accompanying the records served by Plaintiff Small.

3. Plaintiffs believe that the records produced resolve the issues raised in Defendants' Motion, however, Defendants have requested time to review said records before agreeing to withdraw their Motion to Compel.

4. Plaintiffs further believe that an additional 7 days, or until May 27, 2008, would allow sufficient time for the parties to determine whether any additional issues remain with respect to the subject production. Accordingly, good cause exists to permit the extension of time sought.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that the Court grant their Motion for Extension of time and award such other and further relief as the Court deems appropriate.

Dated: May 20, 2008

Respectfully Submitted,

/s/ E. Kirk Wood

Attorney for Plaintiffs

OF COUNSEL:

THE LAW OFFICES OF GREG L. DAVIS
6987 Halcyon Park Drive
Montgomery, Alabama 36117
334-832-9080
gldavis@knology.net

WHATLEY DRAKE & KALLAS, LLC
2001 Park Place North, Suite 1000
Birmingham, Alabama 35203
205-328-9576
Joe R. Whatley, Jr. (ASB-1222-Y69J)
jwhatley@wdklaw.com
Amy A. Weaver (ASB-6878-Y82A)
aweaver@wdklaw.com

WHATLEY DRAKE & KALLAS, LLC
1540 Broadway, 37th Floor
New York, New York, 10036
212-447-7007
Joseph P. Guglielmo
jguglielmo@wdklaw.com

WOOD LAW FIRM, LLC
2900 1st Avenue South, Suite A
Birmingham, Alabama 35233
205-612-0243
E. Kirk Wood (ASB-2937-W55E)
ekirkwood1@cs.com

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2008, a copy of the foregoing was served on the following counsel via the CM/ECF electronic filing system:

Sandra B. Reiss
Christopher W. Deering
Ogletree, Deakins, Nash, Smoak, & Stewart, P.C.
One Federal Place, Suite 1000
1819 Fifth Avenue North
Birmingham, Alabama 35203-2118
205-328-1900
Sandra.Reiss@odnss.com
Chris.Deering@odnss.com

Kevin P. Hishta
David H. Grigereit
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
600 Peachtree Street, NE
Suite 2100
Atlanta, Georgia 30308
404-881-1300
Kevin.Hishta@ogletreedeakins.com
David.Grigereit@ogletreedeakins.com

/s/ E.Kirk Wood
OF COUNSEL

LAW OFFICES OF GREG L. DAVIS

*6987 Halcyon Park Drive
Montgomery, Alabama 36117*

*Telephone: (334)832-9080
Fax: (334)409-7001*

May 20, 2008

VIA U. S. MAIL

Kevin P. Hishta, Esq.

**OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.**

Bank of America Plaza
600 Peachtree Street, NE
Suite 2100
Atlanta, GA 30308

**RE: Morrow v. Flowers Foods, Inc. and Flowers Baking Co. of Opelika, LLC
Civil Action No. 3:07-cv-00617-MHT**

Dear Mr. Hishta:

Please find enclosed a disk which contains production responses from Plaintiff, Ricky Small in the above-referenced matter.

If there are any questions or concerns, feel free to give me a call.

Sincerely,

Teva N. Allen, CP
Paralegal to Greg L. Davis

GLD/tna
Enclosures